

IN THE UNITED STATES DISTRICT COURT
FOR DISTRICT OF DELAWARE

ROBBIE D. JONES

PLAZITZFF,

C.A. NO. 04-1523-JJF.

V.

COMMISSIONER STAN TAYLOR

WARDEN RICK KEARNEY

Sgt. BARRY BELES AND

TRANNA BANKS

DEFENDANTS



PLAINTIFFS' ANSWER TO DEFENDANTS'

MOTION FOR SUMMARY

D
DEFENDANTS' STATEMENT OF FACTS ARE, IN ALL ACTUALITY,
NOT FACTS AND ARE, FURTHERMORE, IN CONTENTION. SPECIFICALLY,
* PARAGRAPH 1, LINES 4 & 5, PARAGRAPH 2, LINES 6 THRU 13,
* PARAGRAPH 3 LINES 1 THRU 3, PARAGRAPH 8, LINES 1 THRU 3.

ARGUMENT

THE PRECEDENT SET FORTH BY FEDERAL 66(C) HAS NOT BEEN MET
BY THE DEFENDANTS, AS THERE IS A GENUINE ISSUE THAT MOVANT
FEELS WOULD BE BEST RESOLVED BY THIS COURT, I HAVE INDEED
A GENUINE ISSUE THAT CAN ONLY BE PROVEN IN CROSS EXAMINATION
OF THE DEFENDANTS, AND A FAIR MINDED JURY MAY, IN FACT, SEE
THE EVIDENCE AS SUPPORTIVE TO ME AND MY CASE.

* PLEASE NOTE PARAGRAPHS 1, 2, & 3, 8 REFER TO PARAGRAPHS NO 5 (1) 7 & (RES)

ANSWER TO SECTION 2.

PLAINTIFF JONES CAN ESTABLISH AN EIGHTH AMENDMENT CLAIM. DEFENDANTS TAYLOR AND KEARNEY WERE NOTIFIED BY HANDWRITTEN LETTER THAT A CLAIM OF EXCESSIVE FORCE NEEDED TO BE LOOKED IN TO AND ONLY, ALLEGEDLY SPOKE WITH THE EMPLOYEES AND NOT MYSELF. DEFENDANT BILES USE EXCESSIVE FORCE. DEFENDANT BILES ALSO PERJURED HIMSELF, IN AN AFFIDAVIT. HE CLAIMS THAT I CAME TO HIS OFFICE YELLING, YET OFC. BANKS SAYS SHE HAS NO RECOLLECTION OF THIS INCIDENT. FURTHERMORE, SGT. BILES, SAYS HE RESTRAINED ME AND TOOK ME TO ASDA, HOWEVER AFTER OFC. DAVEY SEYMOUR TOLD HIM TO STOP, HE LET ME GO AND SENT ME BACK UPSTAIRS WHERE OFC. BANKS HAD TO LET ME BACK ON TO THE TREE, PROVING THE INCONSISTENCIES OF THEIR TESTIMONY. AND LASTLY SGT. BILES ENTERED MY TREE (D-TREE MEDIUM) WITH OFC'S SEYMOUR & JACKSON, HANDCUFFED ME AND THEN PROCEEDED TO ESCORT ME TO ASDA. ONCE AGAIN PROVING THE INCONSISTENCIES OF THEIR TESTIMONY.

ANSWER TO SECTION C

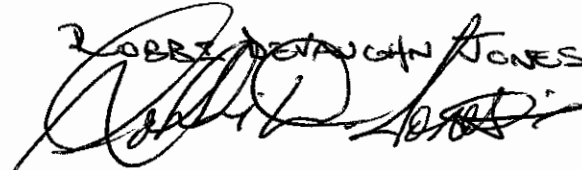
OFC. BANKS DID FAIL TO PROTECT PLAINTIFF
OFC. BANKS EITHER HEARD ME YELLING OR DIDN'T HEAR ANYTHING, HAD SHE HEARD ME YELLING AND DID NOT COME SHE FAILED TO PROTECT ME AND HER CO-WORKER. BECAUSE THE SPACE IS SO SMALL HAD I BEEN YELLING AND CURSING THERE WOULD BE NO WAY SHE WOULDN'T HAVE HEARD ME, BECAUSE THE UPSTAIRS DUTY DESK IS NEAR THE DOOR AND THE HALLWAY, YET SHE HAS NO RECOLLECTION OF THIS, FURTHERMORE PROVING INCONSISTENCIES IN THE DEFENDANTS TESTIMONY.

ANSWER TO SECTION A

DEFENDANT BILES' ACTIONS WERE EXCESSIVE
 ACCORDING TO THE FIVE FACTORS LISTED BY THE DEFENSE
 THE DEFENDANT (BILES) WAS IN THE WRONG AND IN EXCESS OF
 THE LAW; ¹⁾ THERE WAS NO NEED FOR APPLICATION OF FORCE BE-
 CAUSE THE DEFENDANT SAYS SO. PLAINTIFF MAINTAINS THAT
 THREATENING BEHAVIOR WAS NEVER EXHIBITED. ONCE AGAIN
 THE INCONSISTENCY IS DEMONSTRATED. HERE SGT BILES
 CLAIMS HE WAS YELLING, USING PROFANITY, BEING UNCOOPERATIVE,
 YET NO OTHER OFFICER CAN VERIFY THIS, IN FACT, THEY SAY IN
 THEIR AFFIDAVITS THAT THEY CAN'T REMEMBER THIS MOST IMPORTANT
 FACT. TO HAVE THE OTHER FOUR STANDARDS MET, THE 1ST MUST BE
 UPHOLD, IN THIS CASE IT ISN'T.

CONCLUSION

THE DEFENDANTS HAVE FALSEFIED DOCUMENTS TO PROTECT
 ONE OF THEIR OWN. THEY HAVE ALSO LIED IN THEIR AFFIDAVITS
 AND THEIR DEPOSITIONS. IF NOT DEALT WITH THIS PROBLEM WITH-
 IN THESE WALLS WILL ONLY GET WORSE. WITHOUT THE ELOQUENT
 "LEGALISE" I FEEL I HAVE SUCCESSFULLY POINTED OUT THE INCON-
 SISTENCIES IN THE TESTIMONY AND DEMAND MY OWN RIGHT
 TO A TRIAL BY JURY.

ROBERT DEVAUGHN JONES


3:33 PM
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HONORABLE

Judge Joseph J. FARNAN JR

1/6 OFFICE OF THE CLERK

U.S. DISTRICT COURT

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